

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

COME NOW CNSP, Inc. dba NMSURF (“NMSURF”), by and through their attorney Carl Hans Muller, and hereby submit their Response to the Order to Show Cause [doc. 41].

On August 14, 2017 Counsel for the Plaintiff, Carl Hans Muller held a telephone call with the Honorable Judge Yarbrough reviewing the current state of settlement discussions. At that time the Honorable Judge Yarbrough indicated that he was going to issue an order vacating the settlement conference set for August 21, 2017 and would issue the order upon conclusion of the telephone call. Counsel for Plaintiff then cleared the settlement conference from his calendar for August 21, 2017.

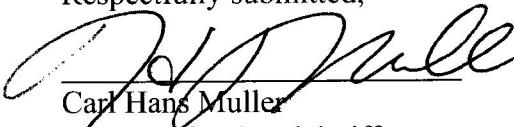
The Order [doc. 39] vacating the settlement conference was then issued on August 14, 2017. As an additional part of the Order, a telephonic status conference call was scheduled for

August 21, 2017. In an inadvertent oversight, Counsel for Plaintiff did not add the additional status call to the calendar for that day after canceling the settlement conference.

Counsel for Plaintiff humbly apologizes to the Court and attorneys for the Defendant for this oversight. Counsel for Plaintiff avers that there was no intent to purposefully not appear for this status call nor any intent to act in bad faith, and this was strictly an unintentional oversight. Counsel for Plaintiff was out of state from August 21, 2017 through August 24, 2017 and did not receive the court staff's calls on August 21, 2017.

Plaintiff requests this Court set a status conference call date for the parties to reestablish the status conference call from August 21, 2017. Plaintiff requests this court use its discretion to not impose sanctions for this unintentional oversight as Plaintiff did not have any intent to act in bad faith and there will be no further instances of Counsel for Plaintiff not appearing for a scheduled conference call.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that the above pleading was electronically filed through the Court's CM/ECF system, which caused the foregoing parties or counsel of record to be served electronically and/or mailed/mailed/faxed a true and correct copy of the above pleading to the following counsel/parties this 25th day of August 2017.

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